

**United States District Court
Northern District of New York**

Sally A. Waite o/b/o Catherine Sampson,)	Case 5:19-cv-00993-GTS-ML
Deceased,)	
<i>Plaintiff,</i>)	
)	Glenn T. Suddaby
vs.)	Chief District Judge
)	
Andrew Saul,)	Miroslav Lovric
Commissioner of the Social)	Magistrate Judge
Security Administration)	
<i>Defendant.</i>)	

STIPULATION AND ORDER TO AWARD FEES UNDER THE EQUAL ACCESS TO JUSTICE ACT (EAJA)

The parties submit this stipulation in response to plaintiff's motion for attorney's fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d). Doc. 17.

The undersigned counsel have reviewed the file, litigation history and fee petition in this case. After discussing the petition, the parties have agreed to resolve the matter of entitlement to attorney fees by stipulation. Specifically:

IT IS HEREBY STIPULATED AND AGREED by the undersigned attorneys for the parties in the above-titled action that plaintiff is awarded attorney fees in the amount of \$7,400.00 in full satisfaction and settlement of any and all claims plaintiff may have under the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412. The parties further agree to the payment of \$400.00 in costs, to be paid from the Judgment Fund by the Department of the Treasury, if so ordered by the court, pursuant to 31 U.S.C. § 1304. This award is made in full satisfaction of any claim for EAJA fees, expenses and costs.

Any fees paid belong to plaintiff, and not to her attorney, and may be offset to satisfy any pre-existing debt that plaintiff owes the United States under *Astrue v. Ratliff*, 560 U.S. 586, 130 S.Ct. 2521 (2010). After the Court enters this award, if counsel for the defendant can verify that

plaintiff owes no pre-existing debt subject to the offset, defendant will direct that the award be made payable to plaintiff's attorney pursuant to the EAJA assignment duly signed by plaintiff and counsel (Doc. 17-3).

Dated: February 9, 2021

ANTOINETTE T. BACON
Acting United States Attorney
Northern District of New York
Attorney for Defendant

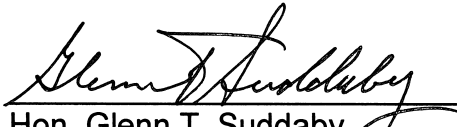
By: s/ Luis Pere
Luis Pere, Bar Roll No. 701031
Special Assistant U.S. Attorney
c/o Social Security Administration, OGC
15 New Sudbury St.—Room 625
Boston, MA 02203
(877) 405-4870
Luis.pere@ssa.gov

By: s/ Kenneth R. Hiller
Kenneth R Hiller
Attorney for plaintiff
Law Offices of Kenneth Hiller, PLLC
6000 North Bailey Avenue - Suite 1A
Amherst, NY 14226
(716) 564-3288
khiller@kennethhiller.com

AND, the Court having reviewed this matter,

IT IS So Ordered:

Date: 2/10/2021


Hon. Glenn T. Suddaby
Chief U.S. District Judge